

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

,

Plaintiff,

Case No. 18-20439

v.

Honorable Nancy G. Edmunds

SEEMA BARNWAL, D-1
KRISHNA BARANWAL, D-2,

Defendants.

_____ /

**ORDER DENYING DEFENDANTS' MOTION
FOR REHEARING AND RECONSIDERATION**

Defendants move for rehearing and reconsideration of the Court's opinion and order denying Defendants' motion to suppress (ECF No. 31). Defendants contend that the Court erred in denying their motion to suppress because the search warrant affidavit did not specifically identify fraudulent conduct committed by Defendants from 2012 through 2014. Defendants argue, as they did in their motion to suppress, that a search warrant affidavit must include specific allegations of fraudulent business practices occurring in each year of the time period covered by the search warrant. The Government has not filed a response to Defendants' motion.

Pursuant to Rule 7.1(h) of the Local Rules for the Eastern District of Michigan, a party may move for reconsideration of an order within fourteen days of the order's issuance. For the motion to succeed, the movant "must not only demonstrate a palpable defect by which the Court and the parties . . . have been misled but also show that correcting the defect will result in a different disposition of the case." E.D. Mich. L. R.

7.1(h). A court generally will not grant a motion for reconsideration that “merely present[s] the same issues ruled upon by the Court, either expressly or by reasonable implication.” *Id.*

Defendants’ motion does not satisfy the requirements of Rule 7.1(h). Defendants do not set out a palpable defect by which the Court has been misled, but instead merely re-hash the arguments they previously made in their motion to suppress. *See Smith ex rel. Smith v. Mount Pleasant Pub. Sch.*, 298 F. Supp. 2d 636, 637 (E.D. Mich. 2003) (“A motion for reconsideration is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier but were not.”). The Court sees no reason to address these arguments again. Accordingly, Defendants’ motion for rehearing and reconsideration is DENIED. Defendants’ request for rehearing is also DENIED.¹

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: May 20, 2019

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 20, 2019, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager

¹ Pursuant to Eastern District of Michigan Local Rule 7.1(f)(1), no hearing will be held on a motion for rehearing or reconsideration unless the Court orders a hearing. The Court similarly sees no reason to hold another hearing to address these same arguments again.